

FILED

MAY 19 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN E. EILTS; et al.,

Appellants,

v.

UNION BANK OF CALIFORNIA, N.A.,

Appellee.

No. 04-16336

D.C. No. CV-03-01697-WBS

ORDER*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, Chief Judge, Presiding

Submitted May 17, 2006**
San Francisco, California

Before: RYMER and WARDLAW, Circuit Judges, and ALSUP***, Distict Judge.

The motion of John E. Eilts and Debra Jean Eilts to dismiss this appeal with prejudice is GRANTED.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable William H. Alsup, United States District Judge for the Northern District of California, sitting by designation.

A certified copy of this order shall serve as the mandate of this court.